

YANAGIDA ET AL. - Application No. 10/540,747
Attorney Docket: 061069-0316399

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REMARKS

Claim 1 is amended hereby. No claims are added or canceled hereby.

In the Office Action dated November 13, 2006, the Examiner objected to the specification for a typographical error. The Applicant has amended the specification and believes that the typographical error has been corrected. As a result, the Applicant respectfully requests that the Examiner withdraw the objection.

In the Office Action, the Examiner objected to claim 1, citing an informality. Claim 1 has been amended in such a manner that this objection is believed to have been fully addressed. Accordingly, the Applicant respectfully requests that the Examiner withdraw the objection to claim 1.

In the Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by Goto (U.S. Patent No. 5,403,431). The Applicant respectfully disagrees with the rejection and, therefore, respectfully traverses the same.

Claim 1 has been amended to more specifically recite the subject of the present invention. As amended, claim 1 overcomes Goto because it recites a label applying apparatus that combines a number of features including, among them, that, in a release travel of the manual lever from its fully grasped position, firstly, the backing paper web is transferred by the sending lever and the slide base, the foremost label is peeled off from the backing paper web by the turning pin, the stop lever is rotated through the label sensor and the connecting frame by engagement of the stop lever with the stop detection sensor piece, and the transfer of the backing paper web is completed. The Applicant respectfully submits that at least this feature is not described by Goto. As a result, the Applicant respectfully submits that the reference does not describe each and every feature as recited by claim 1 and, therefore, cannot anticipate claim 1. The Applicant respectfully requests that the rejection of claim 1 be withdrawn, at least for this reason.

Goto describes a label feed pitch change-over mechanism for a labeler. Regarding the basic operation of the labeler, Goto describes what those skilled in the art would consider to be conventional. Specifically, when the operating lever 8 is squeezed toward the grip 7, the label strip is fed and one of the labels L is peeled off the backing strip B and made ready for attachment to the object to be labeled. (Goto at column 2, lines 60-63.)

In contrast, according to the present invention, during the grasping operation of the manual lever 20, the label strip does not travel. The Applicant respectfully directs the Examiner's attention to page 10, line 3, through page 11, line 4, of the present specification.

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When the manual lever 20 is squeezed and released (see Figs. 3 and 4), the feeding teeth 34 begin to bite the backing paper web S and the backing paper web S starts traveling. Accordingly, the foremost label L is peeled off and then the label sensor 48 is automatically stopped at the front edge of the next label. This differs from the apparatus described by Goto.

In view of the foregoing, the Applicant respectfully submits that claim 1 is in a condition for allowance and such is respectfully requested.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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